

APPENDIX D

APPENDIX D
Agency Correspondence



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

P. O. Box 848

Ephrata, Washington 98823

Phone: 509-754-8580 Fax: 509-754-8575

RECEIVED

MAR 25 2002

URS CORPORATION
SEATTLE

March 13, 2002

Jeff Walker
URS Corporation
1501 4th Avenue, Suite 1400
Seattle, Washington 98101-1616

RE: Species List Request
FWS Reference: 02-SP-E0129

Thank you for your request of January 2, 2001. The following threatened and endangered species, and candidate species may be present near the proposed combined-cycle generation Project, Benton County, Washington:

LISTED

Endangered

None

Threatened

Bald eagle (*Haliaeetus leucocephalus*)

Bull trout (*Salvelinus confluentus*)

PROPOSED

None

CANDIDATE

Umtanum wild buckwheat (*Eriogonum codium*), plant

This list fulfills the requirements of the U. S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act of 1973, as amended (Act).

If there is federal agency involvement in this project (funding, authorization, or other action), the involved federal agency must meet its responsibilities under section 7 of the Endangered Species Act of 1973, as amended (Act), as outlined in Enclosure A. Enclosure A includes a discussion of the contents of a Biological Assessment (BA), which provides an analysis of the impacts of the project on listed and proposed species, and designated and proposed critical habitat. Preparation of a BA is required for all major construction projects. Even if a BA is not prepared, potential project effects on listed and proposed species should be addressed in the environmental review for

this project. Federal agencies may designate, in writing, a non-federal representative to prepare a BA. However, the involved federal agency retains responsibility for the BA, its adequacy, and ultimate compliance with section 7 of the Act.

Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. Should the BA determine that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U. S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

Candidate species receive no protection under the Act, but are included for your use during planning of the project. Candidate species could be formally proposed and listed during project planning, thereby falling within the scope of section 7 of the Act. Protection provided to these species now may preclude possible listing in the future. If evaluation of the subject project indicates that it is likely to adversely impact a candidate species, we encourage you to modify the project to minimize/avoid these impacts.

If there is no federal agency involvement in your project, and you determine that it may negatively impact a listed or proposed species, you may contact us regarding the potential need for permitting your actions under section 10 of the Act.

Several species of anadromous fishes that have been listed by the National Marine Fisheries Service (NMFS) may occur in the project area. Please contact NMFS in Seattle, Washington, at (206) 526-6150, in Portland, Oregon, at (503) 231-2319, or in Boise, Idaho, at (208) 378-5696 to request a list of these species.

If you would like information concerning state listed species or species of concern, you may contact the Washington Department of Fish and Wildlife, at (360) 902-2543, for fish and wildlife species; or the Washington Department of Natural Resources, at (360) 902-1667, for plant species.

This letter fulfills the requirements of the Service under section 7 of the Act. Should the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Skip Stonesifer at (509) 754-8580.

Sincerely,

A handwritten signature in cursive script that reads "Mark J. Miller".

Supervisor

Enclosure

Enclosure A

**Responsibility of Federal Agencies under Section 7
of the Endangered Species Act**

Section 7(a) - Consultation/Conferencing

- Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with the U.S. Fish and Wildlife Service (Service) when a federal action may affect a listed species to ensure that any action authorized, funded, or carried out by a federal agency will not jeopardize the continued existence of listed species, or result in destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species; and
- 3) Conferencing with the Service when a federal action may jeopardize the continued existence of a proposed species, or result in destruction or adverse modification of proposed critical habitat.

Section 7(c) - Biological Assessment for Major Construction Activities

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities¹. The BA analyzes the effects of the action, including indirect effects and effects of interrelated or interdependent activities, on listed and proposed species, and designated and proposed critical habitat. The process begins with a request to the Service for a species list. If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the list should be verified with the Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable between the Service and the involved federal agency).

We recommend the following for inclusion in a BA: an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if listed or proposed species are present; a review of pertinent literature and scientific data to determine the species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; and an analysis of alternative actions considered. The BA should document the results of the impacts analysis, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species may be affected, proposed species may be jeopardized, or critical habitat may be adversely modified by the project. Upon completion, the

BA should be forwarded to the Service.

Major concerns that should be addressed in a BA for listed and proposed animal species include:

1. Level of use of the project area by the species, and amount or location of critical habitat;
2. Effect(s) of the project on the species' primary feeding, breeding, and sheltering areas;
3. Impacts from project construction and implementation (*e.g.*, increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to the species and/or their avoidance of the project area or critical habitat.

Major concerns that should be addressed in a BA for listed or proposed plant species include:

1. Distribution of the taxon in the project area;
2. Disturbance (*e.g.*, trampling, collecting) of individual plants or loss of habitat; and
3. Changes in hydrology where the taxon is found.

Section 7(d) - Irreversible or Irretrievable Commitment of Resources

Requires that, after initiation or reinitiation of consultation required under section 7(a)(2), the Federal agency and any applicant shall make no irreversible or irretrievable commitment of resources with respect to the action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating section 7(a)(2). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

¹ A major construction activity is a construction project, or other undertaking having similar physical impacts, which is a major action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act [42 U.S.C. 4332 (2)(c)].



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

RECEIVED

APR - 3 2002
URS CORPORATION
SEATTLE

Reply To: 8330.4521(02)
File Name: Sp452.wpd
TS Number: 02-4024

March 29, 2002

Jeff Walker
URS Corporation
1501 4th Avenue, Suite 1400
Seattle, WA 98101

Subject: Plymouth Generating Facility Project
USFWS Reference # (1-7-02-SP-452)

Dear Mr. Walker:

This is in response to your Species List Request Form, dated March 14, 2002, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Plymouth Generating Facility Project in Umatilla County. The U.S. Fish and Wildlife Service (Service) received your correspondence on March 14, 2002.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Plymouth Generating Facility Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Bonneville Power Administration (BPA) requirements under the Act are outlined in Attachment B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, BPA is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Attachment B, as well as 50 CFR 402.12.

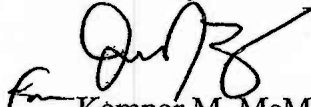
If BPA determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, BPA is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published October 30, 2001, in the Federal Register (Vol. 66, No. 210, 54808) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, BPA is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, BPA may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages BPA to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Stacy Sroufe at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,


Kemper M. McMaster
State Supervisor

Attachments
1-7-02-SP-452

cc: OFWO-ES
ODFW (nongame)
Sarah McNary BPA

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
AREA OF THE PLYMOUTH GENERATING FACILITY PROJECT
1-7-02-SP-452

LISTED SPECIES^{1/}Birds

Bald eagle ^{2/}	<i>Haliaeetus leucocephalus</i>	T
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Fish

Steelhead (Middle Columbia River) ^{3/}	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Snake River) ^{4/}	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Upper Columbia River) ^{4/}	<i>Oncorhynchus mykiss</i>	**E
Sockeye salmon	<i>Oncorhynchus nerka</i>	CH **E
Salmon River tributary to the Snake River, Idaho		
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	CH **T
SNAKE RIVER spring/summer runs		
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	CH **T
SNAKE RIVER fall runs		
Chinook salmon (Upper Columbia River) ^{5/}	<i>Oncorhynchus tshawytscha</i>	**E

PROPOSED SPECIES

None

CANDIDATE SPECIES^{6/}Mammals

Washington ground squirrel	<i>Spermophilus washingtoni</i>
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Birds

Yellow-billed cuckoo ^{7/}	<i>Coccyzus americanus</i>
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Amphibians and Reptiles

Columbia spotted frog	<i>Rana luteiventris</i>
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Plants

Northern wormwood	<i>Artemisia campestris</i> ssp. <i>wormskioldii</i>
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SPECIES OF CONCERNMammals

Pale western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii pallescens</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Small-footed myotis (bat)	<i>Myotis ciliolabrum</i>
Long-eared myotis (bat)	<i>Myotis evotis</i>
Fringed myotis (bat)	<i>Myotis thysanodes</i>
Long-legged myotis (bat)	<i>Myotis volans</i>
Yuma myotis (bat)	<i>Myotis yumanensis</i>

Birds

Tricolored blackbird	<i>Agelaius tricolor</i>
Western burrowing owl	<i>Athene cunicularia hypugea</i>
Ferruginous hawk	<i>Buteo regalis</i>

Willow flycatcher
Yellow-breasted chat
Lewis' woodpecker

Empidonax trailli adastus
Icteria virens
Melanerpes lewis

Amphibians and Reptiles
Northern sagebrush lizard

Sceloporus graciosus graciosus

Fish
Pacific lamprey
Interior redband trout

Lampetra tridentata
Oncorhynchus mykiss gibbsi

Plants
Laurence's milk-vetch
Disappearing monkeyflower
Little mouse-tail

Astragalus collinus var. *laurentii*
Mimulus evanescens
Myosurus minimus ssp. *apus* (= var. *sessiliflorus*)

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

** Consultation with National Marine Fisheries Service may be required.

^{1/} U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12

^{2/} Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

^{3/} Federal Register Vol. 64, No. 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead

^{4/} Federal Register Vol. 62, No. 159, August 18, 1997, Final Rule - Upper Columbia and Snake River Steelhead

^{5/} Federal Register Vol. 64, No. 56, March 24, 1999, Final Rule - West Coast Chinook Salmon

^{6/} Federal Register Vol. 66, No. 210, October 30, 2001, Notice of Review - Candidate or Proposed Animals and Plants

^{7/} Federal Register Vol. 66, No. 143, July 25, 2001, 12-Month Finding for a Petition To List the Yellow-billed Cuckoo



Andrea Balla-Holden

04/04/02 01:42 PM

To: jeffrey_walker@urscorp.com, ilon_logan@urscorp.com

cc:

Subject: Fwd: Plymouth Project Species List Concurrence

Andrea:

Thank you for your inquiry regarding the status of listed salmon and steelhead in the vicinity of the proposed Plymouth Generating Facility for which your firm has been retained to produce a forthcoming Biological Assessment. In the text of your letter, dated February 27, 2002 and received in this office via e-mail on March 3, 2002, you list the following information:

1. The project site is located within the Middle Columbia River (MCR) Steelhead Evolutionarily Significant Unit (ESU).
2. The following listed fish, (in addition to MCR Steelhead) because of listed Critical Habitat, must also be evaluated with respect to your proposed project:

Upper Columbia River Steelhead
Upper Columbia River Spring Chinook
Snake River Sockeye
Snake River Fall Chinook
Snake River Spring/Summer Chinook
Snake River Steelhead

As you will notice, the above information constitutes concurrence with your species determination as presented in the 03/03/02 letter e-mailed to me.

Thank you for your interest in helping to protect ESA listed salmon and steelhead. If you have any future questions or require further information, please don't hesitate to contact me at this e-mail address, or via one of the pathways listed at the bottom of this correspondence.

Sincerely,

Kale Gullett

--

Kale Gullett
NOAA-NMFS
Ellensburg Field Office
304 South Water St., Ste. 201
Ellensburg, WA 98926
Phone: (509) 962-8911 x.222
Fax: (509) 962-8544

A Cooperative Project of :

March 21, 2002

Jeff Walker
URS Corporation
1501 4th Avenue, Suite 1400
Seattle, WA 98101-1616



The
Nature
Conservancy.

1322 SE Morrison Street
Portland, OR 97214-2423
VOICE/FAX (503) 731-3070

Dear Mr. Walker:

Thank you for requesting information from the Oregon Natural Heritage Program (ONHP). We have conducted a data system search for rare, threatened and endangered plant and animal records for your McNary Substation Site in Township 5 North, Range 28 East, Section 9, Willamette Meridian.

Seven (7) records were noted within a two-mile radius of your project and are included on the enclosed computer printout. A key to the fields is also included.

Please remember that the lack of rare element information from a given area does not mean that there are no significant elements there, only that there is no information known to us from the site. To assure that there are no important elements present, you should inventory the site, at the appropriate season.

Please note that at this time ONHP does not have comprehensive computerized records available for all anadromous fish in Oregon. I have listed below the species that may be present within the waterways contained in the project area. I have also included their listing by the National Marine Fisheries Service (NMFS). For more information on anadromous fish you may wish to contact NMFS at: 525 NE Oregon Street; Portland, Oregon 97232-2737. Please also note that the U.S. Fish and Wildlife Service now has jurisdiction over coastal cutthroat trout.

Steelhead (Snake River Basin)	<i>Oncorhynchus mykiss</i>	Threatened
Steelhead (Middle Columbia River)	<i>Oncorhynchus mykiss</i>	Threatened
Sockeye salmon	<i>Oncorhynchus nerka</i>	Endangered
Salmon River tributary to the Snake River, ID		
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened
Runs in the Snake River		

This data is confidential and for the specific purposes of your project and is **not to be distributed**.

If you need additional information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Alton".

Cliff Alton
Conservation Information Assistant

encl.: invoice (H-032102-CWA1)
computer printout and data key



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 - (360) 902-2200; TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

Date: FEB 11 2002

Dear Habitats and Species Requester:

Enclosed are the habitats and species products you requested from the Washington Department of Fish and Wildlife (WDFW). This package may also contain documentation to help you understand and use these products.

These products only include information that WDFW maintains in a computer database. They are not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife, nor are they designed to provide you with guidance on interpreting this information and determining how to proceed in consideration of fish and wildlife. These products only document the location of important fish and wildlife resources to the best of our knowledge. It is important to note that habitats or species may occur on the ground in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site-specific surveys are frequently necessary to rule out the presence of priority habitats or species.

Your project may require further field inspection or you may need to contact our field biologists or others in WDFW to assist you in interpreting and applying this information. Generally, for assistance on a specific project, you should contact the WDFW Habitat Program Manager for your county and ask for the area habitat biologist for your project area. Refer to the enclosed directory for those contacts.

Please note that sections potentially impacted by spotted owl management concerns are displayed on the 1:24,000 scale standard map products. If specific details on spotted owl site centers are required they must be requested separately.

These products are designed for users external to the forest practice permit process and as such does not reflect all the information pertinent to forest practice review. The Forest Practice Rules adopted August 22, 1997 by the Forest Practice Board and administered by the Washington Department of Natural Resources require forest practice applications to be screened against marbled murrelet detection areas and detection sections. Marbled murrelet detection locations are included in the standard priority habitats and species products, but the detection areas and detection sections are not included. If your project is affected by Forest Practice Regulations, you should specially request murrelet detection areas.

WDFW updates this information as additional data become available. Because fish and wildlife species are mobile and because habitats and species information changes, project reviews for fish and wildlife should not rest solely on mapped information. Instead, they should also consider new information gathered from current field investigations. Remember, habitats and species information can only show that a species or habitat type is present, they cannot show that a species or habitat type is not present. These products should not be used for future projects. Please obtain updates rather than use outdated information.

Because of the high volume of requests for information that WDFW receives, we need to charge for these products to recover some of our costs. Enclosed is an invoice itemizing the costs for your request and instructions for submitting payment.

Please note that sensitive information (e.g., threatened and/or endangered species) may be included in this request. These species are vulnerable to disturbances and harassment. In order to protect the viability of these species we request that you not disseminate the information as to their whereabouts. Please refer to these species presence in general terms. For example: "A Peregrine Falcon is located within two miles of the project area".

If your request required a sensitive Fish and Wildlife Information Release Memorandum of Understanding (MOU) and you or your organization has one on file, please refer to that document for conditions regarding release of this information.

For more information on WDFW you may visit our web site at www.wa.gov/wdfw or visit the Priority Habitats and Species site at www.wa.gov/wdfw/hab/phspage.htm.

For information on the state's endangered, threatened, and sensitive plants as well as high quality wetland and terrestrial ecosystems, please contact the Washington Department of Natural Resources, Natural Heritage Program at PO Box 47014, Olympia Washington 98504-7014, by phone (360)902-1667 or visit the web site at www.wa.gov/dnr/htdocs/fr/nhp/wanhp.html.

If you have any questions or problems with the information you received please call me at (360) 902-2543 or fax (360) 902-2946.

Sincerely,



Lori Guggenmos, GIS Programmer
Priority Habitats and Species

Enclosures

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REGIONAL HABITAT PROGRAM MANAGER CONTACTS

For assistance with Priority Habitats and Species Information contact a regional habitat program manger and they will direct your questions to a biologist.

County project is in...

Contact...

Asotin, Columbia, Ferry, Garfield Lincoln,
Pend Oreille, Spokane, Stevens, Walla Walla,
Whitman

Kevin Robinette
8702 North Division Street
Spokane, WA 99218-1199
Phone: (509) 456-4082

Adams, Chelan, Douglas, Grant, Okanogan

Tracy Lloyd
1550 Alder Street NW
Ephrata, WA 98823-9699
Phone: (509) 754-4624

Benton, Franklin, Kittitas, Yakima

Ted Clausing
1701 24th Avenue
Yakima, WA 98902-5720
Phone: (509) 575-2740

Island, King, San Juan, Skagit, Snohomish,
Whatcom

Deborah Cornett
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296
Phone: (425) 775-1311

Clark, Cowlitz, Klickitat, Lewis, Skamania,
Wahkiakum

Steve Manlow
2108 Grand Blvd.
Vancouver, WA 98661
Phone: (360) 696-6211

Clallam, Grays Harbor, Jefferson, Kitsap, Mason,
Pacific, Pierce, Thurston

Sue Patnude
48 Devonshire Road
Montesano, WA 98563-9618
Phone: (360) 249-4628